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The Denver Bar Association
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DICTA

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Calendar

January 3—Denver Bar Association regular monthly luncheon meeting at 12:15 P.M., Chamber of Commerce Building.

January 8—Denver Bar Association's Legal Institute on Law Office Management, 9:30 A.M., in Auditorium of Mountain States Telephone & Telegraph Co.

Public Relations

By WM. HEDGES ROBINSON, JR.,
President, Colorado Bar Association

Lawyers deal with public relations every day. The relationships between lawyers and clients, and the lawyer and the courts, and the lawyer and the community are public relations. If the impressions from these contacts are good, then the public relations are beneficial; if the impressions are adverse, then the result is detrimental. Publicity and public relations, however, are not the same thing. Too often we lawyers confuse publicity with public relations.

Frankly, as lawyers we have the poorest public relationships of any professional group in this state. We have an obligation to maintain general approval of government based upon law and the orderly administration of justice. We have a duty to secure public confidence in our judicial system, of which the lawyers are a part.

We have undertaken at great expense to ourselves a program of civil procedural reform. Yet its value to our citizens is little understood or appreciated by the public. We are now embarked in a tremendous effort to make our courts more workable and more efficient. It is doubtful if many of the most intelligent laymen know even the basic fundamentals of this system. We have other programs of equal public significance—the establishment of a parole and probation system, the creation of a state bar, the revision of our criminal statutes and procedure. Yet what knowledge does the public have of these things which must vitally affect them all?

In fact we may ask an even more basic question? What knowledge does the public have of the function and duty of a lawyer in our society?

It is high time that we awake from our mystical day-dreams and become realists. In Colorado, we are making a start in this direction. The Public

Relations Committee, under the capable leadership of Sydney Grossman, has outlined an essential program of public relations which is printed elsewhere in this issue of DICTA. The Board of Governors at its meeting on December 3, 1948, sanctioned the principle of radio and newspaper advertising and urged local associations to use both mediums wherever possible. The Junior Bar Section will cooperate with the state committee and the local associations wherever possible.

We have an important contribution to make to the life of our state. Judicial reform, parole and probation reform, the state bar act, criminal code revision—surely no group in Colorado has a more worthwhile program to offer our people. The program should not fail simply because we fail to make people understand it.

Finally, let us all, individually, charge ourselves with the obligation of telling people everywhere about this vital program of ours. We cannot do less.

Program of the Public Relations Committee of the Colorado Bar Association

By SYDNEY H. GROSSMAN,
of The Denver Bar, Chairman

1. *Radio Program.* Thirteen weeks commencing in January, 1949.

Watch and listen for your Association program on the following Colorado stations: Denver, Fort Collins, Boulder, Greeley, Colorado Springs, Pueblo, Trinidad, Grand Junction, La Junta, Walsenburg and Durango. The thirteen-week program authorized by the Board of Governors of the Colorado Bar Association has been reviewed by radio experts and is considered the finest type of public relations program in that category. These radio programs are under the direction of skilled technicians and have a sales value in their presentation with little dramas and other situations. The President of the local bar association in each of the various districts in Colorado is urged to call to the attention of the members of the bar the time and place of these forthcoming programs. Mr. Ken White, the radio editor of the Denver Post, will give advance publicity to these programs through that medium.

2. *Will Pamphlets.* "Why Make a Will?—See Your Lawyer."

The Denver banks are preparing will pamphlets urging the public as a whole to consult their lawyer and impress upon them the indispensable need of a lawyer in that connection. It is contemplated that other pamphlets on title examinations and other types of real estate undertakings will be forthcoming soon, and, later in the year, pamphlets on contracts and partnerships.

3. *Cooperation with County Clerks, Public Trustees and Other Court Officials.*

A program to educate the various County Clerks and Recorders and

Public Trustees throughout the State to make proper referrals of inquiries to lawyers is also being contemplated. All too often the laymen who have no immediate knowledge of an attorney will call upon either a City Attorney, District Attorney or some other official to prepare a document for them. It is intended that an impartial reference bureau be established such as is already the practice in some few counties in the state.

4. *Vocational Guidance Program.*

Through the aid and assistance of the Junior Bar Section it is planned that speakers will be made available in the various high schools throughout the state to give talks on the law. This will be in the nature of a vocational guidance program so as to best educate, in a preliminary way, high school youth as to possible future careers in the law or in public activities having a close relation to the practice of the law.

5. *Publicity.*

In connection with public portrayals of lawyers in the press, radio and motion pictures, some of the following suggestions are being considered:

a. Prohibition against the publicizing of disbarment proceedings until and unless an adverse judgment is rendered by the court.

b. Dignified restraint on the part of the bench in criticizing fellow judges or members of the bar in pending actions.

c. Securing the cooperation of press, radio and screen in portraying the lawyer in his true prospective.

d. Newspaper advertising setting forth the use and value of competent legal advice and assistance in the day to day life of the average man and woman.

It is the intention of your public relations committee to make this program an effective force for the well-being of the association in its relation to the public. Some of the above are merely suggestions. Others have already been initiated. Your association and your committee welcome any suggestions or criticism which you might have so that we may better evaluate the overall program of public relations which, perforce, is demanding major attention from the bar this year.

No Legislative Service for 1949 General Assembly

No legislative service will be attempted by the Colorado Bar Association for the coming legislative session it was decided by the Board of Governors at its meeting in Denver on December 3, 1948. The project is to remain in the program of the bar association as outlined by President William H. Robinson, Jr. in the November DICTA, but, because the legislative session is so close and because of numerous problems in coordinating the various organizations interested in such a service, the Board of Governors recommended that it be abandoned for 1949.

Office Management Institute January 8, 1949

The second in the series of Legal Institutes sponsored by the Denver Bar Association will be on Law Office Management. It is scheduled for January 8, 1949 at the Telephone Company's Auditorium, and will again be a Saturday morning session of three hours beginning promptly at 9:30 and concluding in time for luncheon.

The subject for the institute has been chosen in response to a growing interest among lawyers in keeping their office operations up to a reasonable standard of business practice and efficiency. The article by Maurice H. Winger of Kansas City in the October issue of DICTA, page 241, is only one of a number of such recent articles appearing in bar magazines that emphasize the importance of proper office management to every practicing attorney. It is a subject almost untouched by law schools and one often studied only on a trial and error basis.

Has the Bureau of Internal Revenue ever criticized your books? Have you been embarrassed by your mistakes made in accounting for your clients' funds? Have you been plagued by a bad memory and an inefficient tickler system? An exchange of ideas, of problems and solutions regarding law office practices and procedures should interest anyone who occupies a law office fifty weeks a year.

In the light of a realization that law office operation entails many business problems and with a purpose of increasing the lawyer service to his client, the second institute has been designed to examine two phases of office management; the first, that of the fiscal accounts which a lawyer should keep in the handling of his office business; the second, the importance to him of an understanding and analysis of his "costs of doing business."

The first ninety-minute period of the institute will be under the primary direction of Mr. Ralph B. Mayo whose subject will be "An Accountant Reviews a Lawyer's Fiscal Records." Mr. Mayo will outline and discuss accounting systems adaptable for a lawyer's use, with reference to specific forms which will be available to those who attend. Appropriate modifications to meet the individual needs of various types of offices will be discussed.

The second hour and one-half period of the institute will be devoted to a panel discussion of the subject "A Lawyer Considers the Expense of Operating His Office." Charles Biese will act as moderator of the panel consisting of Mr. Lewis Dick, Mr. Merrill Knight and Mr. Harold Taft King who will give the points of view of the large office, the medium-sized firm and the single practitioner, respectively, in connection with such problems as time studies, the use of time reports and the benefit to the lawyer of such mechanical business aids as dictaphones and microfilm. It is the purpose of both sessions to provide information to the inexperienced lawyer concerning law office accounts and records and to provide to all members of the Bar the benefits of an expert discussion of office management problems.

The Judiciary Committee Plan and the 1949 General Assembly

By STANLEY H. JOHNSON
Executive Secretary of the Committee

In 1945 the Governors of the Colorado Bar Association directed that a judiciary committee be established to study the Colorado court system and recommend improvements. Particular emphasis was placed upon the need of removing the Colorado judicial system from partisan politics, where, most lawyers felt, it did not belong.

Under the chairmanship of Philip S. Van Cise, the committee was organized in Denver and throughout the state early in 1946. For over a year it collected information about the courts that no one had ever bothered to obtain before. For three months thereafter the committee made every effort to obtain suggestions and criticisms concerning the matters it had under consideration. After reviewing the returns, it presented a plan to the Colorado bar in October, 1947, which was approved by a vote of three to one. Nevertheless, the committee felt its plan would be improved by the first hand advice of judges and lawyers from districts outside of Denver. The Governors formed a collaborating committee of three district court and three county court judges and three lawyers from other counties, and after two extensive meetings the final plan was evolved.

From December, 1947 to March, 1948, the Judiciary Committee put in many hours of work, drafting bills and proposed constitutional amendments to implement its plan. It then spent many days in an attempt to persuade the legislators to attend a special session, so that judicial salaries, which were obviously too low, might be increased before they were frozen by the election of judges to new terms in November, 1948.

With the help of the county officers and county commissioners, the Judiciary Committee was successful in inducing the Governor to call a special session, but it did not succeed in obtaining the passage of its salary bill. Instead, the Republican members of the Assembly—according to the press, after a secret caucus—presented a bill of their own and passed it in a minimum of time. No opportunity was given the Judiciary Committee to present its bill at the caucus, nor the reasons behind it. Nevertheless, in the face of serious financial shortages, which it seemed certain to face in 1949, the Legislature did increase judicial salaries from 15 to 30 percent. The trouble was, with money worth half what it was in 1937 when the existing meager salaries were established, the raise was not nearly enough. Furthermore, the Judiciary Committee salary bill was part of a general plan to improve the administration of justice, but the salary bill passed at the special session had no bearing upon it.

The purposes of the overall plan, so far as the Judiciary Committee was

concerned, were in part, to make judicial work attractive to the abler members of the bar by (a) avoiding the expense, and the aimless and sometimes blind selection of judges resulting from political campaigns, (b) to provide salaries which would partially recompense an attorney for the sacrifice of his practice, enable him to live in reasonable security and comfort as a judge, (c) to insure, so far as possible, the selection of good judges with an opportunity to adopt judicial work as a career, and (d) to make one person responsible for the efficiency of the courts who will have the power to see that judges are sent where they are needed and kept busy.

The new salary act will not further this plan to any great extent. A capable lawyer in Denver will not be attracted to the District Court bench at $6,000 a year when last month a bricklayer received damages from a jury at the rate of $5,000 a year. Nor may we pay a County Judge $3,500 a year and expect to get a lawyer, educated to the rules of law, who will work full-time as a judge.

In a few weeks now the complete plan will be presented to the Assembly in general session. It is not the same legislature which attended the special session. Instead of two or three salary bills, it probably will have some two thousand bills of all kinds, and a bad treasury problem, dumped in its lap. Neverthless, it will have some time for deliberation, and to make its consideration of the Judiciary committee's plan easier, dinner meetings sponsored by the local bar associations are being arranged at which the details and the reasons for the legislation will be explained. One of the first of such meetings will be held on December 13 for the Denver legislators. Later, after the session gets under way, it is planned to present the proposed measures to all of the legislators.

Since the special session, the committee has held frequent meetings, and has polished and repolished the various bills and proposed amendments—all, that is, except its salary bill. Whether or not its salary bill again will be presented will depend upon the legislators themselves. If they express a willingness to hear the reasons of the committee for its recommended salaries for judges, then the bill will again be offered. Otherwise not. It will be withdrawn, in that case, until 1951.

The Legislatvie Program for 1949

Four bills will be presented by the Colorado Bar Association's Judiciary Committee at the general session. These are bills providing for: (1) a judicial council and court administrative officer to study and improve the laws and court administration, not occasionally and in a haphazard fashion, but constantly and consistently; (2) retirement pensions for judges who have reached voluntary or involuntary retirement age or have become disabled; (3) specific powers in the Chief Justice to assign judges from one court to another or to recall retired judges to active service; (4) amendment of section 11 of House Bill No. 3 which was passed at the special session. That statute lim-

ited the $1,000 raise to the terms of office to which judges were elected in 1948 and 1950 and to the terms of offices of judges appointed or elected in their places. This limitation should be stricken so that it is effective to all judges hereafter elected or appointed.

The remainder of the committee plan is all contained in one amendment to Article VI of the Colorado constitution. This includes: (1) a plan of non-partisan judicial selection, a modification of the plan which has been in effect in Missouri since 1940; (2) abolition of the office of justice of the peace and substitution until 1955 of magistrates and referees under supervision of the county courts; (3) election of a chief justice chosen for administrative ability with the necessary powers to integrate the courts and increase their efficiency; (4) a requirement that all judges, where practically possible, shall be trained in the law and devote full time to their work without participation in political activities; (5) provision for declaring vacant the office of any judge physically or mentally incapable of performing his duties; (6) provision for involuntary retirement of judges at age 75; (7) clarification of the jurisdiction of the County Court and right of appeal from its orders; (8) provision for increasing salaries of judges during their terms of office and for retirement benefits.

The remainder of this article will be devoted to explaining briefly the contents of these measures and why, in the opinion of the committee, such criticisms as are directed against them are outweighed by the improvements which they will effect.

1. The Judicial Council Bill

Provisions. The council consists of nine members: the Chief Justice, a District Judge, a County Judge, the chairmen of the Judiciary Committees of both houses, two lawyers selected by the bar, and two laymen by the Governor. Its function: to make continual analysis of substantive and procedural law and rules and business of the courts based upon information obtained by a trained and adequately paid secretary, and to publish annually recommendations for improvement. The secretary also serves the Chief Justice as an administrative officer to assist in unifying the courts and supervising all clerks of court, and in centralizing the purchase and uniformity of court forms. Members of the council receive expenses but not salaries, serve for six years, or, where serving ex officio, during their terms of office. The council also has power to determine whether a judge is so disabled as to be incapable of performing his duties, or is entitled to retirement benefits, subject to review by the Supreme Court.

Comments. Half of the states have judicial councils, but only such states as New York, Michigan, Ohio, Texas and California, where the councils are small, carefully chosen from judges, lawyers and laymen, and provided with well-paid research assistants, have received the full benefits possible from such a council. Since the council's study of laws and courts is con-

tinuous, and some of the members serve for several years, the results are usually more searching and more consistent than the spasmodic efforts of a few members of a bar association. Furthermore, its recommendations are published, are official, and drawn with the approval of two members of the Assembly. There is none of the usual guff about the motives of lawyers in feathering their own nests. If the courts are to be efficiently intergrated, supervised and controlled, the Chief Justice must be provided with a well-paid assistant who serves a dual purpose. Determination of disability of judges is left to the council because judges acting alone should not be compelled to pass on the mental or physical ability of a colleague. The discipline of lawyers by the Colorado courts generally has not been considered effective, and in ruling upon a disability case the courts also might not be firm. Appropriation for the council's first biennium, including the administrative officer's salary, should not be less than $30,000, if it is to accomplish anything. If given proper support, the Council may prove to be the most important factor in this plan for judicial reform.

2. Retirement Pension Bill

Provisions. The pensions provided are of four kinds: (1) at age 65 after 10 years service in any court of record, forty per cent of the average salary for life; (2) at age 65 after 16 years service, one-half the average salary for life; (3) if disabled at any age after 10 years service, one-half the average salary for life; (4) if disabled before 10 years of service, one-half the average salary for as many years as he has served. The judges contribute five per cent of their salary, the State the rest. Membership in the plan is optional.

Comments. Retirement benefits are necessary for the security of judges and to make a judicial career attractive to able men. The provisions of this bill are sounder under actuarial tests than the State Firemen's or Denver Police pensions which, though based on 25 years of service, have no age limit. The cost to the state might be small for the first few years and reduced to nothing by 1972. Figures of costs have been prepared for the committee by an actuary and are available. The right of the public workers to security in old age is now well established.

3. Powers of the Chief Justice

Provisions. The Chief Justice may: (1) call an annual conference of judges; (2) assign a judge of any court of record qualified to practice law temporarily to any other court of record; (3) assign Supreme Court cases to district judges or retired Supreme Court judges for advisory opinions; (4) recall a retired judge of the district or supreme courts to replace any absent judge, or any retired judge qualified to practice law to active duty, judges thus recalled to receive the full pay provided for the office occupied; (5) transfer on good cause cases from one judge to another judge of a similar

court; (6) assign judges specially trained to the trial of special kinds of cases, with consent of the parties; (7) order disability hearings by the council; (8) supervise and coordinate the work of the courts, Judicial Council and administrative officer; (9) determine the number of magistrates necessary for county judges.

Comments. The Chief Justice at present has and exercises few powers. If possessed of administrative ability he is the logical person to coordinate, make more efficient, and expedite the work of all courts, and some executive leadership to this end is badly needed. In districts where judicial work is heavy, it is difficult now to obtain supply judges. The need is very great now in the Denver district courts. Furthermore, there are times when the one district or county judge is ill and no cases are tried in his court for months. County court judges trained in law or district judges could be assigned to fill-in, if not required to attend to their own business. This is the purpose of the Administrative Office of the United States Supreme Court among the many Federal courts. We have 80 separate courts of record in Colorado with no one supervisor and little coordination. This is not sound business practice. Cases are now removed from one judge to another only by consent of the judges affected. The decision should lie elsewhere. Judges with special skill, as in water rights or mining, should be available to parties. The courts of Colorado, as a whole, are not operated on a sound business basis, to the loss of the public. They have been subject to criticism for many years and it is time something is done about it.

4. Judges' Salary Bill

Provisions. The proposed bill provided salaries of $10,000 for the Chief Justice, $9,500 for his associates, $7,500 for district judges and the Juvenile Court and County Court judge in Denver, and salaries graduated downward from $6,500 for county judges outside Denver. Distinction was made between counties in which, under the Committee's plan, a county judge must be a qualified lawyer and give his full time to judicial work and those in which he need not be.

Comments

The salaries under the proposed bill were fixed after prolonged discussions and study of statistics of the courts over a 10-year period; this bill should be reintroduced in either 1951 or 1953 session. No study was made by the special session of salaries or the basis for them in connection with its new act, in which Supreme Court judges were given a raise of $1,000 to $7,500, district court judges and Denver Juvenile Court judges of $1,000 to $6,000, and the salaries for county judges outside of Denver graduated down from $5,600 without any reference to the work they might perform. However, the only salary measure which we shall introduce will be as previously stated, to strike the limitation clause in the special session's bill.

Trials de novo in District Court

Trials de nova in the district court on appeals from the county court are expensive, obstruct justice by delay and are generally obnoxious to the bar. They should be abolished. Hence in our constitutional amendment we propose to amend the second paragraph of Section 23, Article VI, to read as follows:

"Appeals may be taken, *and proceedings of any kind transferred* from the county to the district court, in such cases and in such manner as may be prescribed by law *or rule of the Supreme Court.* Writs of error shall lie to the Supreme Court from every judgment of the County Court."

The italicized words are the amendments.

Resolution for Amendments to Article VI

The amendments are so numerous that they will be explained here by sections. Many of the old sections are amended, though only in a few particulars but there are several new and important sections added. The amendments are discussed first.

Section 2. The supervising control already existing, but unused, in the Supreme Court, is placed in the hands of the Chief Justice but may be limited by legislative action, except as provided in the remainder of the article. The reasons for this change already have been mentioned.

Section 5. The first paragraph repeats the provisions of the existing Section 5. The second paragraph is new. It enables the Chief Justice to fill a temporary vacancy on the Supreme Court by calling in a retired supreme or district court judge, or active district judge, who shall have the powers and compensation of that office. As the population of the state increases, it may be expected that decisions in department by three or four justices will increase in order to keep up with increase in cases. Now that the Supreme Court, after many years, is catching up with its business, it is important to enable it to keep its decisions current. The cost and loss to litigants from past delays must have been substantial. Some of these delays, however, have been the fault of the attorneys or litigants. Nevertheless, neighboring state courts have managed to stay within six months to a year of their dockets.

Section 8. The Chief Justice, in the future, is to be elected by the judges of the Supreme Court for his administrative ability, not merely succeeding to that office by rotation during the final year of his term. He is first chosen for a trial term of one year; then, if his administrative ability is demonstrated, for three years more and for additional four year terms, so long as he is a judge of that court. He is expressly required to supervise the administration of all the courts and perform such other duties as the legislature gives him. The "Chief Justice Bill" executes this provision.

It is unnecessary to emphasize again the importance of this amendment. During the last year, under the leadership of Chief Justice Burke, the Su-

preme Court has made great strides in catching up with its docket. Leadership for all the courts is equally necessary.

Section 10. The old section is amended to provide that Supreme Court judges shall have been qualified to practice law, not merely learned in the law. It is ridiculous to have one requirement for qualification of lawyers and another, more lax and vague, for judges who decide what the law is. The same change is made in the qualification of district and county judges in Sections 16 and 22. Section 10 also adds the words "preceding his appointment" to the two year residence requirement.

Section 16. The same changes appear here for district judges as in section 10.

Section 18. This amendment permits an increase of salaries of judges during their terms in office. Without such a provision, the salary increase provided for Supreme Court judges at the special session will not be available to the experienced judges already serving when it was passed, but will be available to the judges elected last November and appointed or elected in 1950. Certainly the incumbent judges should have the benefit of any salary raises now or in the future. The new section also, except for county judges in counties under 10,000 population (where they are not required to be and, practically, cannot be, lawyers) prohibits any judge from: (1) receiving any other compensation because of his office in any form: (2) practicing law or being a candidate for, or holding any other kind of public office; (3) or accepting other employment which interferes with his judicial duties. He must be available for duty at all times except during a six weeks' vacation. No judge or judicial officer is to be paid according to the amount of fees collected. The purpose of these amendments requires no discussion except that they require payment of more liberal salaries to judges than are provided in the new salary act.

Section 22. Provides for an additional county judge in Denver, if needed. At present, even the judge there can hear only a portion of the cases and judges from other counties must assist him. A city should choose its own judges from among its own attorneys. This section also requires that in counties with 10,000 population or more, the county judge shall be qualified to practice law. Considerable wealth has been acquired in rural areas and the administration of estates, or for that matter, the trial of divorces, civil and criminal matters in those courts, whenever possible, should be conducted by judges who know the rules. Since no period of residence is required before appointment or election, if the salary is adequate, attorneys may be induced to take residence in counties where lawyers are scarce, to serve as county judge. It is true that laymen may make fair and honest judges, but there is surely more reason for a trained umpire in this field than in the field of sports.

Section 23. This section is amended to clarify the right of the county court to unlimited jurisdiction in hearing claims in all estates. The present

section refers only to estates of deceased persons. It also permits it, under the limits of statutes to hear cases in any place in the county or to have its assistants or subordinates do so. These changes refer primarily to the abolition of the justice of the peace courts, as provided in Section 25. The second paragraph governs trials *de nova.*

Section 25(a). Abolishes the offices of justice of the peace and constable. Instead it provides that until 1955 the county judges take over that jurisdiction and may appoint special constables. After 1955, when the plan has had a fair trial, the question of inferior courts is left to the legislature.

(b). The county judge may appoint one or two magistrates to assist him in this work, and others with consent of the chief justice, and he may also employ referees for non-contested matters. They are answerable to the county judge, who fixes their compensation. Magistrates shall receive not over 75 per cent of the judge's salary.

(c). The present justice court procedure and costs continue until changed by the Supreme Court by rule or by the legislature.

(d). Magistrates may act as police magistrates. The purpose of this measure is not only to get rid of justice of the peace courts which have earned a well-deserved criticism throughout the United States over many years, but to insure that petty civil and criminal cases are tried before the county judge and his assistants during the two year period. The judge and his magistrates may hear cases anywhere in the county.

Several states are in process of studying or changing-over from the justice of the peace system. The committee has examined reports of the Judicial Councils of those states and has adopted this plan as the most practical for Colorado. The legislature is so busy with a host of bills that it would be difficult for it to make a comprehensive study of a substitute plan at one session. And yet the evils of the present system are so great that a carefully thought-out plan should be given a trial period of operation.

Sections 32, 33 and 34. These sections contain the committee's modification of the plan proposed by the American Bar Association in 1935 and adopted in Missouri in 1940. It has since been twice reenacted against strong opposition there. The sections must be outlined very briefly here for want of space. They will be discussed at greater length in a later article. The committee hopes that it may persuade a member of the Missouri Supreme Court to explain this plan and the splendid results it has brought about in Missouri to the Colorado legislators.

The plan provides that judges shall no longer be elected on a partisan political ticket in a competitive election. When the terms of the present judges expire, their offices will become vacant. Then, as now, the Governor will fill the vacancies by appointment but he must select from three nominees (except in the case of county judges in counties under 10,000 population) selected by impartial nominating commissions. The commission for the Su-

preme Court contains nine members, for a district court, five, for the county courts in counties of 10,000 or more population, three members. The Chief Justice is a member of the supreme court commission. The Governor appoints one layman, the bar one lawyer, from each congressional district. For the district court commission, the Governor selects two laymen and the bar two lawyers and these four select a fifth who must be a layman. All must reside in the district. The county court commission is made up in the same manner with two laymen to one lawyer.

The judge thus appointed serves a trial term of at least one year until the general election, when his name is placed upon the ballot without party designation or opposition. The voters then decide whether or not he shall be retained in office. If he is, he serves out the full term of his office. If he is voted out, or if after his retention, he dies or resigns, the vacancy is filled again by the Governor in the same manner.

This method of selection permits a careful nomination of candidates according to ability, rather than by whim of party leaders and avoids the results of the usual political campaign in which judges, whose business has no connection with politics, should not take part. It also gives the public a period of from one to two years to measure the judge's ability before retaining him in office for a full term of four, six, or ten years.

Section 35. Provides that a judge must retire at age 75 or sooner, if disabled by mental or physical infirmity from performing his duties. It empowers the legislature to provide what court, council, board or committee shall determine disability or age for retirement, and enables the Supreme Court to provide rules of procedure. Retired judges, if able and willing, may be recalled to service by the Chief Justice at full pay while serving.

There have been repeated instances in which judges have become mentally incompetent while on the bench, with no provision in the law for their removal. This provision of the amendment, together with the implementing Judicial Retirement bill mentioned above, would prevent such a situation from arising.

The sole purpose of the Committee's work for over two years has been to improve the administration of justice in Colorado. It has reached its conclusions after careful study and innumerable conferences, has invited criticism and suggestion from every quarter, and has weighed the comments it has received. Its work was made possible by the payment of $15,000 by Colorado lawyers into a fund earmarked for that purpose. The bar has had the plan explained to it in detail many times and has endorsed it. It is a plan which should be considered and adopted as a unit, so that, for the first time, the courts of this state will be administered as parts of a whole for the good of the people, and the judges presiding over these courts will be the best men available. There has never been a time when these objectives have been more important.

Proposed Probation and Parole Legislation

By WILLIAM L. RICE
of the Denver Bar

Since enactment of the Probation Law in 1931 (Ch. 140, Vol. 4, 1935 C.S.A.), practically every session of the Legislature has had at least one amendment to the probation statute, or a new probation or parole bill to consider. All of these bills and amendments have been the brain children of a few individuals or of a single group, and consequently have met with sufficient opposition to be defeated, with the single exception of an amendment to the probation statute in 1939 (L '39, P. 462, Ch. 1).

That there is need for probation and parole legislation, and that to insure its passage will take the concerted effort of all persons and groups interested, became so apparent that in 1947 the Thirty-sixth General Assembly took the following action:

House Joint Resolution No. 8

"Be It Resolved by the House of Representatives of the Thirty-sixth General Assembly, the Senate Concurring Herein:

"That the Attorney General of the State of Colorado is hereby authorized and requested to make, before the convening of the next regular session of the General Assembly, a thorough and comprehensive study of the problem of probation and parole in this State, to formulate such plans and recommendations for the improvement of the handling of probation and parole as may be deemed advisable; and

"Be It Further Resolved: That the Attorney General is further authorized, in the making of such study, to make use of any assistance that may be offered by any organizations or persons engaged in a similar study or specially qualified to render such assistance, and

"Be It Further Resolved: That the Attorney General shall make a report of his findings and recommendations in writing to the next General Assembly within five days after the convening thereof. Said recommendations shall, in so far as possible, be submitted to the General Assembly in the form of proposed legislation; and

"Be It Further Resolved: That a copy of this Resolution be transmitted to the Attorney General." (L '47, P. 952)

At about the same time as the publication of the above resolution, a small group interested in probation and parole met and formed the "Colorado Probation and Parole Association." Since the first meeting March 13, 1947, the Association has grown to include numerous members of the Bench and Bar, the Wardens of the Penitentiary and Boys' Reformatory, probation officers throughout the state, and many laymen.

This association, together with the Colorado Bar Association's Committee on Parole and Probation, has assisted the Attorney General in pre-

paring bills to be submitted to the next General Assembly. The legislation in its present form consists of two bills, one on probation and the other on parole. Both bills were approved by the Bar Association's Board of Governors at their meeting on December 3, 1948.

The Probation Bill

The proposed probation act will repeal the present act; however, some sections of the present act will be re-enacted almost word for word. The major changes are: (1) mandatory appointment of probation officers, (2) pre-sentence investigations, (3) power to grant probation to second offenders, (4) authority for the court to require an applicant to submit to a mental and physical examination, and (5) elimination of the district attorney's approval in granting probation.

The following is a digest of the proposed probation act:

1. *Appointment of Probation Officer*

The Judge or Judges of the District Court of each judicial district shall appoint one or more probation officers and shall fix their salary commensurate with the time required to discharge their duties. If the officer serves more than one county his salary and expenses will be apportioned between such counties.

2. *Pre-sentence Investigation*

In felony cases, where there is discretion as to penalty, the court shall cause a pre-sentence investigation to be made by the probation officer and he shall make a written report to the court.

3. *Application for Probation*

Any person who has not been previously twice convicted of a felony, may upon conviction of a crime, except for murder in the first and second degree, make application for probation. When application is made the court shall defer sentence and cause the probation officer to make an investigation. Within a reasonable time the probation officer shall file a written report together with his recommendation as to whether or not probation should be granted.

4. *Examination of Defendant.*

The court may order any defendant on pre-sentence investigation or application for probation to submit to a mental and physical examination.

5. *Records*

Probation officers shall furnish copies of reports to the Director of Parole.

6. *Granting Probation*

The court shall have the power to suspend the imposition or execution of sentence upon such terms and conditions as he may deem best, and may

revoke or modify any condition of probation or change the period of probation, but the period of probation shall not exceed five years. The court may grant probation after a plea of nolo contendere.

7. *Restitution*

A defendant on probation shall be required, so far as possible, to make restitution and may be required to pay the costs of court and a reasonable sum for supervision.

8. *Duties of Probation Officers*

Probation officers shall make investigations and report to the court, and shall instruct, supervise and aid probationers. They shall keep records of their work and account for all money collected.

9. *Make Report to Court*

Probation officers shall report the conduct of probationers to the court and the court may terminate or extend the probation.

10. *Probation Officer May Arrest Probationer—Revocation of Probation*

The probation officer may arrest a probationer and shall within ten days make an investigation and take the probationer before the court or release him. Whereupon, the court may revoke the probation and impose any sentence which might have been imposed originally.

11. *District Judges to Make and Enforce Rules*

The District Judges shall make rules in conformity with this act to carry out its provisions.

The Parole Bill

Before digesting the proposed parole legislation, it may be well to comment that the only system of parole in Colorado is the automatic parole earned by good behavior or those special cases called to the attention of the Governor, who is the only one empowered to grant paroles. There is no question that Colorado needs a parole board, but it has been the general consensus that the only type of a board that will function properly is a full-time paid board. However, the cost of a parole system, including such a board, has caused everyone to hesitate in recommending it at this time.

Under our present system, when a person is released from an institution on parole he is entirely on his own, with no supervision except in rare cases where present probation officers go out of their way to help a parolee. Supervision of parolees is necessary if the theory of rehabilitation of criminal offenders is to be carried out. The most recent example of what happens without supervision occurred in Denver on Saturday, December 4. Two youths staged a hold-up on Larimer Street and a store owner was shot and killed. A few days later a nineteen year old boy was apprehended and

allegedly confessed to the murder. It was reported in the press that he had been released on parole from the State Reformatory on November 20, only fourteen days before the commission of the crime.

Supervision will help protect the lives and property of our citizens and will aid in the rehabilitation of offenders, and with this in mind the proposed parole bill was drafted. If this bill is enacted, a bill providing for a parole board should be considered at a later date.

Colorado, being a member of the interstate compact on probation and parole (L. '37, P. 770, Par. 2), is obliged to supervise probationers and parolees admitted to the state under the compact. Consequently, provision has been made in the parole bill for this supervision.

Digest of the Parole Bill

1. *Director*

The Governor shall appoint a director of parole who shall be experienced in criminology, parole and probation work.

2. *Parole Officers and Employees*

The director shall appoint officers and employees to supervise parolees released from the State Penitentiary, State reformatories, the criminal insane released from the State Hospital, and persons to be supervised under any interstate compact. Parole officers shall not be required to supervise more than seventy-five persons. (It is estimated there will be a need for fifteen parole officers.) The parole officers shall be at least twenty-five years of age and selected because of their character, ability, training, and their capacity to influence human behavior. The director and officers shall be under Civil Service.

3. *Powers and Duties of Director*

The director, whose office shall be in Denver, shall supervise the officers and establish parole offices at such places in the state as the need requires. One officer shall be stationed at the penitentiary and one at the State Reformatory. The director shall make investigations and recommendations for the Governor for paroles, reprieves, commutations, and pardons. He shall, with the approval of the Governor, make rules governing supervision and conduct of parolees.

4. *Cooperation of Wardens*

Wardens of the penal institutions shall cooperate with the director in the administration of this act.

5. *Procedure for Revocation of Parole*

Parole officers shall have the right to arrest a suspected violator, and must complete their examination within ten days and either release the parolee or, if it is determined that a violation has occurred, file a written report and recommendation with the Judge of the nearest District Court.

The District Judge shall, within fifteen days, conduct a hearing in the nature of a review, and the Judge may release the parolee, or, if he determines that there has been a violation of parole, he shall within five days submit his findings and recommendation to the Governor. The Governor shall within ten days either revoke or continue the parole. The District Judge may admit the parolee to bail until the final order of the Governor. If the parolee is out of the State of Colorado and the Governor has reason to believe that he has violated his parole, he may forthwith revoke such parole.

6. *Appropriation*

The General Assembly shall bi-annually appropriate funds for the administration of this act.

7. *Records*

The office of the director shall act as a clearing house for all information on interstate and intrastate probationers and parolees, and shall prescribe uniform forms for parole and probation.

Copies of the proposed probation and parole bills may be secured from Frank C. Dillon, Chief Probation Officer, West Side Court Building, Denver, Colorado.

The State Bar Act—Another Major Objective in the 1949 Legislature

By SYDNEY E. SHUTERAN,
of the Denver Bar, Chairman of the State Bar Act Committee

A long form bill to incorporate the bar of the State of Colorado will be introduced in the legislature when it convenes in January. All lawyers are solicited to give their active aid and cooperation to obtain the passage of this bill.

A copy of the bill has been sent to every lawyer, whose address is available in the State of Colorado, whether they are a member of the Colorado Bar Association or not. Thus, all lawyers will have an opportunity to study the bill and submit to the committee such additions, deletions or changes which they deem appropriate.

A State Bar Act, synonymously referred to as an Integrated Bar Act, has for many years had the approval and support of the Colorado Bar Association and an overwhelming majority of the lawyers in this state. So numerous are the outstanding lawyers who have devoted a great deal of time and effort during the developmental stages that we cannot here give them due credit; but as a result of their assiduous efforts we are now are the threshold of realization of the valuable services which can be rendered by a unified bar association. Naturally, a unified bar reacts to the general benefit of the public and of the individual lawyer.

The State Bar Act, very simply stated, merely makes the bar association a public corporation and requires that *all* lawyers engaged in the active practice of the law in this state be members thereof. It is the only democratic way that a bar association can operate to the best interest of the public and the lawyers. It is a removal of the governing powers of the bar association by part of the lawyers, and an investment of the governing power in all of the lawyers. Instead of a portion of the lawyers paying dues, all lawyers pay an annual fee for the continuation and advancement of the bar program which has given to the lawyers such invaluable assistance and benefits as the publication of the Supreme Court opinions, real estate standards, fee schedules, public information programs and a host of other activities, all designed to make the lawyers' work easier and more efficient, as well as developing a better relationship between the lawyer and the public.

Although there are but a vey few lawyers who are opposed to a State Bar Act, nevertheless, we should review the two objections commonly voiced, since actually they constitute some of the major benefits gained by a State Bar Act.

The basic argument is that lawyers should not be forced to pay an annual fee to practice law because it makes the bar a "union shop." The lawyers of the State of Colorado are now licensed, regulated and disciplined by the Supreme Court of Colorado. The interest of the public and the lawyers have demanded it for so many years that its necessity no longer admits of a doubt. No right thinking person would now claim, as some did in the early days of our history, that such regulation was a violation of "natural rights." Lawyers, doctors, dentists, accountants and engineers have long been licensed by the state. Their ranks are closed by law to "non-licensed persons" and they are "regulated" in their manner of practicing their professions. The legal profession is the only one of the professions named which is not now required by law to pay an annual license fee. Annual license fees for the other professions are provided by law.* If "unionism" is to be asserted because of the requirement to pay an annual fee to maintain a high standard of our own profession then we are already unionized by reason of the necessity to pay an initial license fee. In this age of organization the word "unionism" is an unfortunate misnomer which has received an awful beating which it does not deserve.

The second most common argument is apprehension and doubt of the disciplinary powers exercised under a State Bar Act. Discipline of lawyers is vested in the Supreme Court of Colorado and by its rule the Colorado Bar Association is the official representative of that court with authorization ab initio to institute disciplinary proceedings with the result that the Grievance Committees of the Colorado and local bar associations are the first

*Accountants, Session Laws 1937, Secs. 13 and 14; Doctors, Colo. Stat. Ann., Ch. 109, Sec. 11; Dentists, Colo. Stat. Ann., Ch. 52, Sec. 6; Engineers, Colo. Stat. Ann., Ch. 62, Sec. 8.

to weed out complaints against lawyers and investigate disciplinary actions. Under the State Bar this procedure virtually remains unchanged. If a man cannot stand investigation by men of his own profession he is not the kind of man to be in that profession.

Under the State Bar Act the Board of Governors is charged with the duty of instituting and finally passing upon all disciplinary matters. It cannot itself impose any discipline other than a public or private reproval of a member, but may recommend suspension or disbarment to the Supreme Court. When it does so, it must file with the court a complete transcript of the record. The recommendations of the Board are not binding upon the court. It may reject them entirely or impose greater or less discipline than that recommended.

The Board is charged with instituting all disciplinary proceedings and passing on the same. Actually, it seldom institutes them. The act authorizes the appointment of local committees, and in each community the Board appoints a local grievance committee. Its function is to hear any complaint against a member of the bar and to determine whether there is sufficient cause for the issuance of an order to show cause.

You will perceive that under this system, there is very little danger of an attorney not guilty of professional misconduct being disciplined. He must be found guilty first by his local committee, then by the Board sitting in review, and finally by the Supreme Court.

The admission of lawyers to practice law in this state is not affected in any manner by a State Bar Act and the Supreme Court will continue as the authority for all matters relating to admission as heretofore. With the exception of the requirement that all lawyers pay an annual fee a State Bar Act differs very little from the present voluntary bar association. There are now twenty-six states which have a State Bar Act. We have correspondence from the states of Alabama, California, Idaho, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Virginia, Washington and Wyoming which inform us, without exception, that the State Bar is universally and enthusiastically accepted and supported by an overwhelming majority of the lawyers and that the functions of the bar are eagerly accepted and constitute a major advancement over the former voluntary bar association.

A strong unified bar is the bulwark against decadence. It provides the mechanics to keep the lawyer in pace with social and economic advancement of the American professional man. For a most interesting and informative coverage you are urged to read "In Behalf of a Unified Bar" by Bentley M. McMullin, published in Volume 13, No. 3, of DICTA (January, 1936)—"Against Bar Integration" by Albert V. Vogal, published in Vol. 13, No. 2, DICTA (December, 1935)—YOU BE THE JUDGE!

The enactment of this bill means an enhancement of your professional standing. — DO YOUR PART —

One-Third of the Nation Ill-Fed, Ill-Clothed, Ill-Housed, But Two-Thirds Ill-Advised?

Editor's Note: The report of the Colorado Bar's Legal Service Committee, which was presented to the Board of Governors at the October convention, has received so much comment that we are reproducing it in toto below, only slightly rearranged for purposes of publication. The committee was composed of Milton J. Blake of Denver, Chairman, Robert E. Anderson of Colorado Springs, Robert S. Gast, Jr. of Pueblo, Paul F. Irey of Denver and Harold Taft King of Denver. No action was taken on the report at Colorado Springs, but at the meeting of the Board of Governors in Denver on December 3 it was decided that since Denver appeared to be the only city in the state to which the report seemed particularly applicable, it should be returned to the committee with instructions to work with the Denver Bar Association and its legal service committee in effecting such part of the recommendations as that association approves.

I.

Introduction

The work of the Legal Service Committee is divided into two phases: (1) The study of the problem of legal service to persons of moderate means and (2) the providing of legal assistance to servicemen and veterans. These two functions will be reported on separately below.

II.

Legal Service to Persons of Moderate Means

This committee has been engaged in the study of the problem of legal service to persons of moderate means for nearly two years last past. In previous reports, to which reference is hereby made, the committee has recounted its activities and stated its conclusions. To enable a proper understanding of the problem and to show the reasons for the recommendation made at the conclusion of this report, the former reports and the activities of the committee may be summarized as follows:

This committee was appointed to study this problem pursuant to a resolution adopted by the House of Delegates of the American Bar Association in October, 1946, which reads as follows:

> "Whereas, the American Bar Association believes that it is the fundamental duty of the bar to see to it that all persons requiring legal advice be able to obtain it, irrespective of their economic status, and has recently approved and made an appropriation to increase the extent and efficiency of legal aid service in various parts of the country;
>
> "Resolved that the association approves and sponsors the setting up by state and local bar associations of lawyers referral plans and low-cost legal service methods for the purpose of dealing with cases of persons who otherwise might not have the benefit of legal advice."

On its appointment, the committee first obtained all the information it

could from other parts of the nation regarding the various plans which have been adopted to handle this problem. A considerable amount of such material has been obtained and studied and digested by the committee at the several meetings it has held since its appointment. The Denver Bar Association, during this time, appointed a similar committee, the members of which have on occasion met with this committee.

The committee soon determined that the matter was very complex and that considerable study would be required of the various phases. This procedure was followed; and from the study made by the committee, the following statement regarding the problem has emerged:

Statement of Problem

Some attention was given to this problem before the war by the American Bar Association, but no particular action was taken. During the war the American Bar Association jointly sponsored, with the Army and Navy, a plan to make legal assistance available to servicemen and their dependents. This plan, which is continuing in operation on a permanent basis, proved very effective and beneficial and received the full support of state and local bar associations as well as lawyers generally. This work carried on by the War Work Committees of the bar is well known and need not be further described.

As a result of the experience gained in the operation of the legal assistance plan during the war, it became apparent to many members of the legal profession and those concerned in the Army and Navy that certain conclusions could be reached from this first experiment in mass legal service, some sixteen million cases having been handled under the plan during that period. It was thought that the persons served represented a fairly accurate cross-section of the American people and could thus be used as a basis for measuring the problem as applied to the whole. Subsequent studies have served to confirm this view.

It was found that from 10 to 20 per cent of these served could afford no lawyer's fees whatsoever, i.e., charity cases; that from 10 to 20 per cent could well afford lawyer's fees at the going rate; and that the rest, or 60 to 80 per cent, could pay something, but may be not the full going rate of lawyer's fees, and generally wished to pay a reasonable fee or as much as they could. In brief, this last group constitutes the basis of the problem and poses the question, "What is the legal profession going to do to meet the legal needs of this large segment of our population?"

The American Bar Association, believing this problem of concern to the profession, caused a study to be made and as a result thereof has recommended to state and local bar associations that they undertake to establish plans to make legal service readily available to persons of moderate means. This recommendation (quoted above) was made in the belief that such serv-

ice would meet this need, would be a proper public service of the bar, would be a defense against efforts to establish "socialized law," and would create new business for the profession.

In attempting to find ways and means to solve this problem in Colorado, the following conclusions have been reached:

a. That the problem is of vital concern to the legal profession, which should take action along the lines indicated below.

b. That the problem centers most largely in the larger cities and metropolitan areas, which can most feasibly handle the problem.

c. That legal service to persons of moderate means similar to the lawyer reference and other plans now in operation in Chicago, New York, Los Angeles and other cities be established by the bar in Colorado cities, particularly in Denver, and if possible some state-wide system be instituted.

d. That in order to operate such a plan successfully, it will be necessary for the bar to establish a central office to act as a clearing house for requests for service and to refer such requests to the individual lawyers participating in the plan. Such office should be located reasonably close to any legal aid office so that charity cases as such could be easily referred to that office, and it in turn could refer to the Legal Service Office these applicants who can afford to pay, at least something, for legal service.

e. That unless proper and wide-spread publicity is given, it will be futile to establish the service, as its availability must be made known to the public generally. This means that substantial funds for publicizing the service must be provided.

The Chicago and other plans generally provide a central office, in the bar association headquarters or elsewhere, where a person needing legal service and not knowing a lawyer can come, be interviewed by a competent person, preferably a lawyer, and referred to a lawyer participating in the plan, who is best qualified to handle that particular type of case. The applicant agrees at that time that he will pay a certain fee (usually about $3.00 for a half hour or $5.00 for a full hour initial conference) to the referral lawyer, who by participating in the plan, has agreed to accept such fee for such service. The plan only covers this initial conference, and the question of fees for subsequent service is a matter of agreement between the applicant and the lawyer rendering the service. Some of the plans provide that if they disagree, the question can be referred to a fees committee of the bar to fix a reasonable fee, under the circumstances, for the service to which both agree to abide.

As can be seen from the foregoing, the plan is *not* to provide free service. On the contrary, it is designed to increase legal business by bringing to lawyers' offices a large volume of cases, on a reasonable fee basis, of those persons who, the studies have found, either have not or would not seek

professional service through a *false* fear of exorbitant fees and the belief they would be obligated for a large sum as soon as they entered a lawyer's office. The advertised fixed fee for the initial conference disabuses their minds of this misapprehension and induces them to seek the service.

The plan must, of course, be operated by the bar association; and any publicity must not mention any lawyer by name, but only the bar association and the service which it is providing.

As indicated above, the establishment of a central office is a necessary element in providing such service. The committee is advised that the Denver Bar Association has recently taken steps to set up an association office with a paid secretary and that it is proposed that the Colorado Bar Association join with the Denver Bar in the maintenance of such office as a combined activity of the two associations. If this was done, it would enable the establishment of a legal service plan such as contemplated above, in such office, at least until such time as the plan demonstrated itself and grew to the point where separate or additional facilities and personnel might be required.

On such basis, and on the assumption that at least some funds would be available to establish and publicize such plan, it is urged that the recommendation hereafter stated be approved by the association, for the reasons indicated, so that the Board of Governors may be in a position to place such a plan in effect as soon as practicable and to authorize this or some other committee to proceed in the formulation and execution of such plan.

In regard to finances, some of the plans now in operation are partly, if not wholly, self-sustaining in that they provide for either a contribution from each lawyer participating in the plan in the nature of "dues" or by making some charge for each case referred on the lawyer to whom referred. Other plans are financed wholly out of association funds. This is one of the matters, it is believed, the board could consider and determine in establishing such service; hence, the final recommendation is worded to give such discretion to the board and to be flexible in its terms so that the board can meet various conditions as they may arise in the establishment and operation of such plan.

III.

Servicemen and Veterans

The committee has continued to provide legal assistance to servicemen and veterans and has referred a considerable number of cases to various members of the Colorado Bar Association who have cooperated most satisfactorily.

Although the volume of cases has not been large, it is anticipated that this work will increase as a result of the new Selective Service Act and the

induction of many new selectees into the armed forces. How much of an increase will depend on the rate of induction which in turn is dependent on developments in the international situation, which at the moment is very critical; and therefore, it is believed that we should be prepared to meet any eventuality. This would mean, in event of war, the rapid expansion of our activities. It is believed that the committee as now constituted, and its method of operation, is such as to be able to handle such a situation without substantial change. Of course, the circumstances may materially alter this view.

The chairman of this committee has recently been appointed as the chairman of the Committee on Legal Service to the Armed Forces, of the American Bar Association. In such capacity he is particularly anxious that this committee be continued and to be ready at all times to carry on its work, either in peace or war. It is most important that all state and local bar associations be in like position, and it is hoped that Colorado will continue to be a leader in this field as it has in the past.

The policies heretofore adopted by the committee apparently are sound and working well; and the committee has nothing further to report or recommend in this regard, other than that the service be continued permanently for the reasons above indicated.

IV.

Recommendations

That the Colorado Bar Association, to extend its public services, to promote a more general understanding of the value of lawyers and legal service, to advance the economic condition of the bar by bringing to lawyers' offices persons who need but have not heretofore sought the services of a lawyer, and to provide voluntarily a legal service under the control of the bar that will obviate any need or demand for "socialized law" under the control of government, approves the policy of the American Bar Association of encouraging the establishment of lawyers' reference plans to make legal service available to persons of moderate means by state and local bar associations; and in furtherance thereof, authorizes the Board of Governors to take whatever steps it deems necessary to establish such a service in Colorado either by, through and under local bar associations who wish to join in such endeavor or on a state-wide basis or both, to authorize and instruct the Legal Service Committee, or other appropriate committee, of this association in the formulation and execution of such plan, to direct any of the officers or employees, and to make available any of the office or other facilities, of this association, as may be found advisable, to aid and support the operation of such plan, and to authorize, within budgetary limitations, the expenditure of funds necessary to the establishment, operation and publicizing of such plan, as the board may deem advisable.

Report on the First Denver Bar Institute for 1948-49

The Denver Bar Association's institute on Labor-Management Relations, Wages and Hours was held Saturday, December 4, in the Telephone auditorium. Some 75 to 100 attorneys availed themselves of the opportunity to learn more of the field of labor law, although Charles J. Beise, institute committee chairman, was compelled to open the institute with the announcement that Robert N. Denham, General Counsel for the National Labor Relations Board, had wired that he would be unable to attend.

With Wayne D. Williams of the institute committee acting as moderator, Sam Sherman of Denver, and William Berg, Jr. of the University of Colorado Law School made an able presentation of the law and practice of collective bargaining. Reid Williams, Regional Attorney for the U. S. Department of Labor, led the panel on wages and hours, with two Denver attorneys, Charles A. Graham and Richard W. Wright, presenting the viewpoints of labor and management. Elmer P. Cogburn sat as moderator for the wage-hour session.

Agreeing that along with taxation, labor law is the most important segment of the law for the practicing lawyer in the business world today, Messrs. Sherman and Berg in the first half of the program went on to point out to the assembled lawyers what were the best sources of information in the field, the "tools of the trade." They then launched into a discussion of collective bargaining rules and procedure under the present Labor-Management Relations act and the most important clauses in the resulting collective bargaining contract: wages, union security, financial responsibility, arbitration and other means of handling disputes. After Mr. Berg outlined the more probable areas of change in the present act in forthcoming Congress, the session was concluded by a short question period.

Reid Williams opened the second half of the program with a short history of the provisions and practice under the Fair Labor Standards Act and related statutes. He was then joined by Messrs. Wright and Graham in a discussion of the more controversial portions of the wage-hour act: the meaning of "the regular rate" under the Bay Ridge decision and the necessity of including bonuses and other premium payments in its computation; the meaning of "work week" before and since the Portal to Portal Act; and the exemptions permitted under the act because of the nature of the work of the individual even though engaged in a covered industry.

At the conclusion of the question period, a small luncheon was held for the speakers in the Mural Room at the Hotel Albany.

PAUL W. LEE, WM. A. BRYANS, III, CHARLES J. KELLY and EDGAR A. STANSFIELD have announced the formation of a partnership with offices at 1044 Gas and Electric Building, Denver.

DICTA

Index to Volume 25 — 1948

Articles Indexed by Authors

		Page
Bailey, W. A.	The Editor Looks at the Courts	187
Burke, Haslett P.	Report on the Colorado Supreme Court	186
Chipman, A. J.	The Courts and the Administration of Justice from a Labor Leader's Viewpoint	172
Delehant, John W.	Judah P. Benjamin, Lawyer and Statesman	51
Dicus, Frederick O.	Responsibilities of Successor Trustees	259
Dittman, Vance R., Jr.	Uniformity in Procedural Matters as Contributing to the Administration of Justice	63
Donaldson, J. Glenn	Progress of Denver Municipal Code Revision	135
Draper, Kenneth	"Stick to Your Last!"	209
Evans, George T.	Has the Doctrine of Stare Decisis been Abandoned in Colorado?	91
Gee, Robert L.	A Persistent Conflict Revived over Collateral Attack upon Disallowance of a Claim by a Referee in Bankruptcy	159
Grossman, Sydney H.	Program of the Public Relations Committee of the Colorado Bar Association	278
Henry, Hubert D.	Short Course in Municipal Court Procedure	146
Henry, Lawrence M.	Inadequacy of Notice Provision for Obtaining Treasurers' Deeds	144
Holme, Peter H., Jr.	Another View of the Judiciary Committee's Plan	35
Hoover, J. Edgar	National Teamwork	254
Johnson, Andrew N.	The Time to Consult with your Trial Lawyer is before your Decision to go into Court	267
Johnson, Stanley H.	The Final Plan of the Joint Judiciary Committees	1
Johnson, Stanley H.	Progress of the Judiciary Committee's Plan	75
Johnson, Stanley H.	The Judiciary Committee Plan and the 1949 General Assembly	281
Kettering, C. Edgar	Widow's Allowance	240
Levy, Mandel	Effect of Annexation of Land of One County by Another on Existing Deeds of Trust	183
Modesitt, Leland E.	Exemptions from Registration under The Securities Act of 1933	227
Nicola, Charles C.	Life Insurance, A Frozen Asset	80
Prettyman, E. Barrett	Administrative Law—Problem Child	213
Rice, William L.	Proposed Probation and Parole Legislation	290
Robinson, Wm. Hedges, Jr.	The Colorado Bar Association Program for 1948-49	251
Robinson, Wm. Hedges, Jr.	Public Relations	277
Rubright, Royal C.	An Unnecessary Expense in Annual Supplements	17
Sampson, Joseph C.	Clayton Chauncey Dorsey	249
Schaetzel, Jacob V.	Unlawful Practice of the Law by Accountants	127
Shuteran, Sydney E.	The State Bar Act—Another Major Objective in the 1949 Legislature	294
Sigler, Kim	How the Legal Profession can Aid the Cause of Good Government	235
Swancara, Frank	"The Nature of an Oath"	131
Taylor, T. Raber	Simplification of Stock Transfers in Estates	6
Thomas, Charles S.	The Heritage of the Colorado Bar	7

Wilcox, Edward B......What's Wrong With the Professions?..... 25
Williams, Wayne C......"Equal Justice Under Law"..... 39
Winger, Maurice H......What a Client Expects of His Lawyer.....241
Winters, Glenn R......Interstate Commerce in Damage Suits.....101
Wittleshofer, Edwin J......Ancient and Modern Leases..... 85

Miscellaneous

Page
Abstract Companies 199
Administrative Law Essay Contests.....124, 153
Admitted to a Higher Court.....16, 49, 97, 143, 225
Annual Conference of the Tenth Judicial Circuit.....154
Army 98, 145
Books Available and Wanted.....73, 171, 201
Book Reviews 199, 274
Certification of Legal Instruments.....224
Colorado Bar Association
  50th Annual Meeting.....203, 223
  Board of Governors' Meetings.....69, 79
  Legal Institutes 153
  Legal Service Committee.....297
  Legislative Service 279
  New Officers 1, 255
  Public Relations Committee.....278
  Unauthorized Practice Committee.....46
Colorado University Law Day.....134
Denver Bar Association
  Annual Outing 176
  Board of Trustees.....141
  Dues 122
  Legal Institutes.....95, 212, 248, 253, 280, 302
  Meetings.....23, 45, 47, 158
  New Members 6, 44, 72, 123, 158, 240
  New Officers 121, 255
  Nominating Committee 73
  Officers and Committees—1948-1949.....177
Florida Lawyers Organize Title Guarantee Fund.....19
Lawyers in the Public Service.....18, 43, 73, 97, 139, 258
Letters to the Editor.....46, 96
Minimum Fee Schedule.....256
Ode to A.....156
Off the Record (In re Women Lawyers).....200
Personals.....5, 45, 73, 95, 125, 134, 158, 199, 212, 258, 302
Practicing Law Institute's Summer Session.....150
Pueblo County Bar Association Officers.....73
Real Estate Title Standards.....123, 185
Rules of Civil Procedure.....98, 140, 255
Upon Information and Belief
  The Responsibility of Lawyers.....21
  Attorneys' Fees should be Recoverable.....47
  Ordinance Revision 137
  Arthur T. Vanderbilt, Man of Action.....138
  Another Editorship Concluded.....180
Weld County Bar Officers.....171
Zoning Laws 130